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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,468

08/28/2003

Daniel Santhouse

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EXAMINER

PHILOGENE, PEDRO

ART UNIT

PAPER NUMBER

3733

MAIL DATE

DELIVERY MODE

06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/650,468

Applicant(s)

SANTHOUSE ET AL.

Examiner

Pedro Philogene

Art Unit

3733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7-14,28-32 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7-14,28-32,35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 14-35 are objected to because of the following informalities: claim "14" should be --13--, and claims "35" should be --34--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,7-14,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (6,881,928) in view of Glucksman (6,084,210).

Wong discloses an ionic hair setting assembly (10) comprising a housing (48,51,53) having one or more heating element (52) enclosed therein, one or more heatable hair roller (20,22,24) cooperative with the one or more heating elements (52), the one or more hair rollers (20,22,24) having at least one thermally insulated end, as set forth in column 3, lines 3-54; and a temperature sensitive visual indicator associated with at least one of the one or more heatable hair rollers; as set forth in column 3, lines 1-67, column 4, lines 1-11, and as best seen in FIGS.1-5.

It is noted that Wong et al did not teach of a lid having two sections and rollers having inner conductive surface, outer non-conductive material and a temperature sensitive visual indicator; as claimed by applicant. However, in a similar art, Glucksman evidences the use of a hair curler set with electric heater having such characteristics to

allow easy access to the housing, reduce the size of the hair curlers, reduce injury to the user and decrease the time the hair curler reach a desired temperature.

Therefore, given the teaching of Glucksman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device the device of Wong et al, as taught by Glucksman to allow easy access to the housing, reduce the size of the hair curlers, reduce injury to the user and decrease the time the hair curler reach a desired temperature.

Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (6,881,928) in view of Fleit et al. (2,748,952).

Wong discloses an ionic hair setting assembly (10) comprising a housing (48,51,53) having one or more heating element (52) enclosed therein, one or more heatable hair roller (20,22,24) cooperative with the one or more heating elements (52), the one or more hair rollers (20,22,24) having at least one thermally insulated end, as set forth in column 3, lines 3-54; and a temperature sensitive visual indicator associated with at least one of the one or more heatable hair rollers; as set forth in column 3, lines 1-67, column 4, lines 1-11, and as best seen in FIGS.1-5.

It is noted that Wong et al did not teach of a base that can move relative to the housing; as claimed by applicant. However, in a similar art, Fleit et al evidences the use of a housing that can move or tilt on a base to provide means for a housing at any desired angular position and thereby allowing the users enable to use his/her hands freely.

Therefore, given the teaching of Wong et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the housing and base of Wong et al, as taught by Fleit et al to provide means for a housing at any desired angular position and thereby allowing the users enable to use his/her hands freely.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (6,881,928) in view of Buchanan (4,243,061).

Wong discloses an ionic hair setting assembly (10) comprising a housing (48,51,53) having one or more heating element (52) enclosed therein, one or more heatable hair roller (20,22,24) cooperative with the one or more heating elements (52), the one or more hair rollers (20,22,24) having at least one thermally insulated end, as set forth in column 3, lines 3-54; and a temperature sensitive visual indicator associated with at least one of the one or more heatable hair rollers; as set forth in column 3, lines 1-67, column 4, lines 1-11, and as best seen in FIGS.1-5.

It is noted that Wong et al did not teach of a steam mechanism; as claimed by applicant. However, in a similar art, Buchanan evidences the use of a device having electrical and steam mechanism to provide curling and waving in a single device.

Therefore, given the teaching of Wong et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Wong et al, as taught by Buchanan, to provide curling and waving in a single device.

Allowable Subject Matter

The indicated allowability of the claims is withdrawn in view of the newly discovered reference(s) to Glucksman/Fleit/Buchanan. Rejections based on the newly cited reference(s) follow.

Response to Amendment

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DES.323,041 1-1992 Montagnino et al

Montagnino et al disclose a lid portion having two sections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is (571) 272-4716. The examiner can normally be reached on Monday to Friday 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272 - 4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pedro Philogene
May 28, 2007


PEDRO PHILOGENE
PRIMARY EXAMINER